



Farmer's Markets

HB 120 established so Farmers from Kentucky could prepare their food on site to promote the selling of their goods. It states:

Any temporary food service establishment operated by a **farmer** who is a member of the market which **operates within the confines of a farmers market registered with the Kentucky Department of Agriculture** for the direct-to-consumer marketing of **Kentucky grown farm products** from approved sources for a period of time not to exceed two (2) days per week for any consecutive six (6) month period per calendar year.

Interpretation:

- A farmers market temporary is to be sold only to an individual that is a **KY farmer** and will be using a product from their farm in the prepared food they are selling to the public.
- We will ask the question if they are a KY farmer, they do not have to provide documentation
- They are required to maintain the proper set up such as one for a standard temporary permit
- The permit states they may operate 2 times a week for 6 consecutive months.
- They are required to successfully complete an approved food safety course
- An opening inspection is required
- Fee is \$50

****If an individual wants to prepare and cook local goods and sell the product at the farmers market but they are not a KY farmer they could partner with the KY farmer and operate jointly under one permit.**

Healthy Hometown Chef's:

- Temporary food permit required

Manufactures: (Any State Allowable)

- May sell their goods at the Farmers market, they must be labeled properly and hold proper manufacturing permit.
- These individuals do not have to have any ingredient from a KY farm. It is up to the market manager to allow them into the market

Items included under manufacturing are:

***If they are growing any part of the rub they would be home based processing. If they are making mustard or BBQ sauce from plants they grow they would be home based micro processing. Otherwise with purchased ingredients they are food manufacturing.*

Selling Prepackaged Raw Meat: (Any State Allowable)

1. May be from any state as long it has the USDA stamp and stored properly.
2. Product must be properly labeled.
3. State processing facilities (i.e. Indiana) does not take place of USDA and may not be sold in KY.

State-inspected product cannot be sold or used as product ingredients in KY. All meat and poultry product coming into KY must bear a mark of federal inspection (inspection legend) or be a legally imported product. KY does not have an equal-to state meat and poultry inspection program. ~ Chuck Sauer USDA

A) If selling state wide

- Permit as a Mobile Retail. (See attachment)
- Profile and check go to Frankfort. Check made out to Kentucky State Treasure
- Any sub sequential inspections will be turned in with normal work and entered into the system in order for inspector to get credit.
- All products must be labeled properly

B.) If only selling local

- Permit as a 610 (see attachment for specifics)

Selling whole fruit and vegetables

- No Restriction

Sampling fruits and vegetables or potentially hazards food

- No permit required
- Must follow “low risk/high risk” sampling guidelines (see handout)
- Show certification of Gap’s/ farm to table food safety training

If sampling low risk food.

- No permit required
- Certification from KDA required [GAP’s (good agricultural training) or “farm to table” safety certification program.]

If sampling high risk food:

- No permit required
- Certification from KDA [GAP’s (good agricultural training) or “farm to table” safety certification program.]
- They shall provide:
 - Standard temporary food set up
 - Means of protecting sampled from dust
 - Means to prevent double-dipping
 - Method to minimize bare hand contact

****Check to see if they have the proper certification**

IF THE PRODUCT IS A COOKED OR A PROCESSED PRODUCT

1. You must be a member of a KDA-registered farmers' market.
2. You must read the sampling chapter in the 2008-2009 Kentucky Farmers' Market Manual. Your market contact will receive the manuals when the market registers or you can visit:
<http://www.kyagr.com/marketing/farmmarket/documents.com>
for an electronic copy for that chapter.
3. You must complete the Affidavit of Completion of Sampling Education and get all the questions correct. It is an open book "test".
4. You must return the affidavit **by mail** to Janet Eaton at the Kentucky Department of Agriculture at the address on the form.
5. You must wait until you receive your certificate to offer samples.
6. You will be issued a Cooked or Processed Samples certificate.
7. You must display your certificate at the market at all times samples are being offered.
8. You are responsible to provide for each of the 8 basics of safe sampling each and every time you offer sampling.

*jams, jellies, breads

IF THE PRODUCT IS A RAW, UNCOOKED AGRICULTURAL PRODUCT

Must have ALL SAMPLE Certification

1. You must complete the process outlined above PLUS you must attend and complete an approved Good Agricultural Practices (GAP) education program. These classes are offered through your Cooperative Extension Service or other classed set up by the partners.
2. You must display your certificate at the market at all times samples are being offered.

* Meat, raw vegetables, etc.

**see certification on how to obtain

Out of State

- May sell **prepackaged goods ONLY** from their permitted facility in their state. They must show proof of their permit and last inspection
- Permit as a Mobile Retail or 610

****Out of state individuals MAY NOT obtain a Farmer's Market Permit, the origin of their product is not a KY farm.**

***It is at the discretion of the market manager if they want pre-packaged products and manufactures from permitted facilities in their market.**

Home Based Processors/Microprocessors

- Processed food product must contain at least on primary or predominant ingredient that was **grown, harvested, processed** and **marketed** by the farmer/processor.
- Only acceptable for direct-to-consumer sales by the processor at the following locations:
 1. From the Farm
 2. At Farmers Markets officially recognized by the KDA
 3. Certified Road Stands

Home-based Processer

Foods Include:

Fruit jams, fruit jellies, fruit butters, sweet sorghum syrups, breads, fruit pies, cakes and cookies.

- **Registered with the Food Safety Branch before marketing**
- No fee for registration

***Non fruit (vegetable) jams/jellies/preserves (garlic jams, pepper jams, etc.) require home-based microprocessor certification (see below)**

Home-based Microprocessors

Foods include:

Acid foods, formulated acid foods, acidified foods and low-acid canned foods

- Certified through the Food Safety Branch before marketing

All processors need to go through U of K extension office and Dr. Sandra Bastin 859-257-1812 to submit recipes.

Contact KY Dept. of Health for a registration form 502-564-7181

****Labels for both processors must be accurate and state:
“*This product is home-produced and processed*”**

Individuals that need a permit

- Individuals cooking on site need a Farmer’s Market Permit or may obtain a 14 day temporary permit if not a KY Farmer
- Prepackaged goods-state mobile retail or 610
- Manufactures should have permit already

Individuals who do not need a permit

- Selling whole uncut fruits and vegetables

Certifications required

- Sampling high/low risk food
- Home-based processors
- Home-based Microprocessors
- Temporary farmer’s market permit holders

Certifications include local food manager’s course, sampling certification and/or GAP/farm to table training.

Contact KY dept of AG for training info 502-564-4696

Sampling certificate:

<http://www.kyagr.com/marketing/farmmarket/sampling.htm> read the material and complete the test. Send the information in to the address provided and the certification will be sent via mail.

GAP's training

Call the local extension office

Jefferson County 569-2344

**All Farmer's markets must be registered with the
KDA (KY Dept. of Agriculture)**

Please use these sites as a reference

<http://chfs.ky.gov/NR/rdonlyres/4AA0294B-CBD0-4664-80C5-8E3E69A8CE2D/0/FarmersMarketSamplingDocument1107.doc>

<http://www.kyagr.com/marketing/farmmarket/index.htm>

<http://chfs.ky.gov/NR/rdonlyres/8767A302-3208-4351-9E68-1234334DBCD6/0/FARMERSMARKETTEMPORARY.pdf>

Farmer's Market Manual

<http://www.kyagr.com/marketing/farmmarket/documents/INSIDEPAGESASSENT.doc>

Frequently Asked Questions:

QUESTION???

A permitted facility that wants to set up and prepares food for sale at the Farmer's Market?

ANSWER:

They can't...they are not a KY Farmer!!

- May ONLY sell prepackaged food that is prepared and packaged at their permitted facility and is properly labeled (any state allowable)
- Permit as a Mobile Retail or 610 depending on there preference

QUESTION???

Why can anyone, regardless of their state of residence, obtain a mobile retail permit or a 610 retail permit for pre-packaged goods and not a farmers market temporary?

ANSWER:

Reference KRS 217.015 (40) definitions. We cannot deny a retail permit to an applicant based upon their state of residence. Retail permits do not have that in their definition. Farmers Market Temporary does because a farmer is defined by statute.